



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/074,117

02/12/2002

Peter Buchner

282647US8X

7730

22850

7590

08/27/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

08/27/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,117	<b>Applicant(s)</b> BUCHNER ET AL.	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to new added claims 9,11-15 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-8, 10 have been canceled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura (EP 0 835 029 A2) –hereinafter referred to as Kawamura, in view of Ellis et al. (US 2005/0028208 A1 – hereinafter referred to as E208).

Art Unit: 2623

Note: US 2003/0149988 (hereinafter referred to as E988) is continuation of application No. 09/332,244, which is incorporated by reference in its entirety in E208 (see E208: paragraph 0127). Therefore, this reference and other references incorporated in E208 in their entirety are treated as part of the specification of E208.

Regarding claim 9, Kawamura discloses a tuning device (figures 1, 3-5) comprising:

a tuner unit configured to generate a transport stream from a received service (tuner unit configured to generate a transport stream for providing over IEEE 1394 from a service received from antenna – figures 1, 3-5), the received service having a plurality of program contents and channel information, program information, etc. (figures 1, 3-5, 7b, 7d, 7f-8c, col. 3, lines 1-12, col. 5, lines 30-58, col. 7, lines 18-21, col. 7, line 36-col. 8, line 20), extracting partial transport stream and outputting the particular stream upon request to the monitor unit (the tuner/tuning device outputting generated transport stream to monitor unit upon request – see include, but are not limited to, figures 1, 3-5, col. 2, lines 39-53),

the tuning device is a stand-alone network device and the partial transport stream is output to a network, the partial transport stream being a subset of the plurality of program contents (tuner unit is a stand-alone unit and generated packets are outputted to communication network 1394 and the packets/program outputted to the network 1394 is partial of the program contents received at the tuner – see include, but are not limited to, figures 1, 3-5, col. 2, lines 39-53);

Kawamura further discloses a service information control unit (e.g., control sec. 115 – figure 4) configured to extract the service information from the transport stream and distribute the service information to output devices connected to the tuning device (async process, control sec. 115, and async. trans. 14 control selection of service information including program content, program name, channel information, etc. received at tuner subunit 11, and distribute the selected service information including selected program content, selected channel information, selected program name, etc. over serial bus 1394 to output devices in monitor unit connected to the tuner 1 – see include, but are not limited to, figures 3-5). However, Kawamura does not explicitly disclose a storage unit configured to store at least a partial transport stream extracted from the transport stream and the storage unit outputs the partial transport stream; in the first mode of operation, distribute the complete service information without the partial transport stream to output device, and in the second mode of operation, send the partial transport stream, the complete service information being descriptive of the content conveyed by the partial transport stream and a remaining of the plurality of program contents.

E208 discloses received service having a plurality of program contents and complete service information associated with the plurality of program contents (control circuitry that receives programs and program guide information associated with plurality of program contents - see include, but are not limited to, figures 3-4, 27, 29, 36, 38, paragraphs 0067, 0069, 0080-0085), a storage unit configured to store at least a partial transport stream extracted from the transport stream and outputting the partial transport

Art Unit: 2623

stream upon request (interpreted as storage device at remote server, or digital storage device in the set top box, or secondary storage device configured to store at least a received program or portion of received program and outputting the program/portion of program to television program/remote access device - see include, but are not limited to, figures 3-5, 27, 29, 36, paragraphs 0080-0085, 0091; E988: figures 2d, 6b, 9, 18d, 22, 25a-25b);

The storage unit output the partial stream to a network, the partial stream being a subset of the plurality of program content (e.g., the storage device output the recorded program to a network connected with remote access device, other user television equipment, or television for playing back— see include, but are not limited to, figures 3-5, 27, 29, 36, paragraphs 0080-0085, 0091; E988: figures 2d, 6b, 9, 18d, 22, 25a-25b);

a service control unit, in a first mode of operation, distribute the complete service information without the partial transport stream or the transport stream to an output device and in the second mode of operation, send the partial transport stream (interpreted as the control circuitry, first distribute only program guide information for user to select particular program without sending program content to television, remote access device, or other user television equipment; then when scheduled time is approached or when the user select for particular program to playback on the remote access device, on the television, or on the remote access device, the program content of the selected program is sent to television, remote access device - see include, but are not limited to, figures 3-5, 27, 29, 36, paragraphs 0080-0085, 0091; E988: figures 2d, 6b, 9, 10, 18d, 22, 25a-25b);

the complete service information being descriptive of the content conveyed by the partial transport stream and a remaining of the plurality of program contents (program guide information being descriptive of content conveyed by partial transport stream and content provided in the future or in the past - see include, but are not limited to, figures 7-9, paragraphs 0067, 0069, 0080, 0084; E988: figures 10-12b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawamura to use the teachings as taught by E208 in order to yield predictable results of improving convenience for the user such as playing program at flexible time or to select desired program easily.

Regarding claim 11, Kawamura in view of E208 discloses a tuning device as discussed in the rejection of claim 9. Kawamura in view of E208 further discloses the service control unit includes a command generation control unit configured to generate asynchronous commands to distribute the complete service information to output device connected to the tuning device (control unit comprises async. process and async. trans. 14 configured to generate asynchronous command such as program selection, channel selection, acceptance response, etc. to distribute selected program, selected channel information, or acceptance response to output devices in monitor unit connected to tuner unit 1 – see include, but are not limited to, Kawamura: figures 3-8c, col. 5, line 31-col. 6, line 46, col. 7, line 3-col. 8, line 20, E208: figures 3-5, 7-10; E988: figures 7-12).

Art Unit: 2623

Regarding claim 12, Kawamura in view of E208 discloses a tuning device as discussed in the rejection of claim 9. Kawamura in view of E208 further discloses the tuning device further comprises a partial transport stream generating unit (packet generation 12) configured to generate the transport stream to be stored in storage unit (see include, but are not limited to, Kawamura: figures 1, 3-5; E208: figures 3-5, E988: figures 5-13).

Regarding claim 13, Kawamura in view of E208 discloses a tuning device as discussed in the rejection of claim 12. Kawamura in view of E208 further discloses a controller (e.g. async. trans. 14 and control sec. 15 – figure 4) configured to receive information about the content of the partial transport stream to be generated via at least one asynchronous command and supply the information to the partial stream generating unit (async. trans. and control sec. receive information about a program to be selected via at least one asynchronous command, supply the information to the packet generation – see include, but are not limited to, Kawamura: figures 1, 3-5, col. 2, line 39-col. 3, line 12, col. 5, lines 31-58; E208: figures 3-5).

Regarding claim 14, Kawamura in view of E208 discloses a tuning device as discussed in the rejection of claim 9. E208 further discloses the storage unit is configured to simultaneously record the partial transport stream and reproduce the particular transport stream at a same time or time shifted and/or at least one other recorded partial transport stream (memory device for storing video signals and for simultaneously receiving video signals for storage and supplying reproduced video signals -see include,



Art Unit: 2623

but are not limited to, paragraphs 0080-0085, 0091; E988: paragraphs 0098-0120, 0113, 0165).

Regarding claim 15, Kawamura in view of E208 discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the network is an IEEE 1394 network (see figures 1, 3,5, col. 2, lines 36-38, 55-58). Alternatively, E208 also discloses the network is IEEE 1394 network (paragraphs 0080, 0084, 0194).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al. (US 7,051,360 B1) discloses interactive television program guide with selectable languages.

Hayashi (US 5,802,059) discloses signal receiving apparatus.

Calderone (US 6,588,017 B1) discloses master and slave subscriber stations for digital video and interactive services.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SON P HUYNH/  
Primary Examiner, Art Unit

July 16, 2008